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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,486	01/31/2002	Carl Mansfield	SLA 1120	3520

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Application No.

10/066,486

Applicant(s)

MANSFIELD ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 6/1/04.

Claims 1 - 45 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1 - 45 are rejected under 35 U.S.C. 103(a) as being obvious over US 4,899,372 (Wahi et al.) and further in view of US 6,252,952 (Kung et al.)

As to claims 1, 2, 7, and 10, Wahi et al. teaches a lockout system and device(s) wherein at least one external telephone line connected to a residence has a plurality of extensions or telephones connected thereto. Such is read as the claimed home network able to transmit and receive calls, wherein the at least

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2 telephones are read as the claimed endpoints. Wahi et al. further teaches the ability to allow other extensions to connect to the external line or to prohibit such connections, read as the claimed excluding bridges thereby allowing only one of the extensions to be connected to the external line, providing privacy from interruption from the other extensions. (Abstract, Col. 1, lines 8 – 14, Col. 2, lines 15 – 23)

What Wahi et al. does not teach is using a gateway and establishing various traffic and control channels throughout the home network.

However, Kung et al. teaches a personal user network that employs various gateways such as a broadband gateway, signaling gateways, etc. for interconnecting not only telephones but also computer endpoints, various communication devices, TVs, etc. Moreover, Kung et al. teaches creating various channels for interconnecting and controlling the various endpoints in the system through various types of connections such as LANs, coaxial cable, ATMs, etc. These connections inherently use traffic and control channels. (Figs. 3 – 6, Col. 1, lines 15 – 50, Col. 3, line 20 – Col. 5, line 28, Col. 9, lines 61 – 67, Col. 16, line 44 – Col. 19, line 16 of Kung et al.)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented a lockout feature in the system of Kung et al. inasmuch as Kung et al. teaches generally a home network using more recent technology, whereas Wahi et al. teaches the lockout feature in a more dated, standard POTS telephone system found in any residence. Kung et al. would merely provide a more modern environment upon which the teachings

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of Wahi et al. would be implemented. Moreover, because Kung et al. teaches the ability to interconnect and control standard POTS telephones, nothing that Wahi et al. teaches would interfere with or teach away from anything that Kung et al. teaches.

As to claims 3 - 6, 8, and 9, Wahi et al. also teaches that both public and private modes of operation are possible, wherein the private operation has been described above, and is effected upon pushing a button located on any of the telephones in the home network. The public mode is effected when the above-mentioned button is pushed again, or put in the "off" position, thereby allowing normal operation of the external telephone line and plurality of telephones, i.e., if one telephone is connected to the external line in an ongoing call and another telephone goes off-hook, i.e., the claims second endpoint, that second telephone will "join" the ongoing call. (Col. 2, line 30 – Col. 3, line 48)

Moreover, Wahi et al. teaches that the push button may be actuated at any time, thereby allowing for a second telephone to be connected to the external line, read as the claimed adding a bridge, or allowing for a previously connected second telephone to be disconnected from the external line at any time. (Col. 2, lines 44 – 51)

As to claim 11, because the privacy and public modes are control features, it would be obvious if not inherent that control channels would be used to transmit such information to the network backbone or broadband gateway. Again, instead of having a multitude of disconnected appliances and communication endpoints, all are integrated through a broadband gateway and

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can be controlled by, for example, a central device 338. And the only way for a telephone, for example, to be connected to and controlled by a gateway, would be to allow for the gateway to communicate control signals thereto. (Figs. 2 and 3, Col. 18, lines 15 - 49 of Kung et al.)

Of course, the traffic channels would be the channels that voice would travel over in the network, whether it be the standard POTS lines or if for example, in VOIP communications, another channel would have be used for transmitting the decoded analog telephony traffic. (Col. 24, lines 14 – 55 of Kung et al.)

As to claim 12, there is no need to exclude a television for example, from being bridging into the telephone system. As such some selection of nodes, i.e., telephones or a computer connected to the external telephone line which could potentially disrupt communications on the external line, whether automatic or manual is at the least obvious if not inherent.

As to claim 13 – 15, flags are old and well known in the telephony and computer arts and are commonly used to represent and effect state changes in a system, which here would be between the private and public modes of operation. Default flags, permission flags, toggle flags again, are all merely representations of known features. One would not want, for example, a child having the permission to change parameters in the home network, thereby necessitating some type of authorization, i.e., a permission flag. To move between private and public modes, of course, a toggle flag would exist to toggle between the two modes. Default flags too are known since systems usually have some type of

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default status. For example, in the system of Wahi et al., that status is the public mode and upon a telephone going on-hook, the system is reset or defaulted to the public mode.

While not discussed explicitly in Kung et al., such would be obvious if not inherent. See also Figs. 5 and 6, which show exemplary signaling in the system. States and signaling messages like these commonly have flags associated with them so that the system or the controller can know when to send such messages for example, or can know how to react to messages and system events.

As to claim 16, such a limitation is merely a user-friendly feature that is commonly implemented in telephony systems so as to inform a party that their call or service request has failed. The motivation for such a feature is simply so that the party is better informed.

As to claim 17, such is again, an old and well known user-friendly feature. It is merely a default condition that allows a user who has been refused service on one line, the use of an unused line. Multi-line systems are very old and well known and again, it would have been obvious to implement such a feature because it would be wasteful and counter-intuitive to not provide an unused line if one exists.

As to claim 18, the limitation recited is merely transferring a telephone from one endpoint to another. Such is also old and well known, for example, in an office environment wherein a secretary will first answer an incoming call and subsequently transfers the call to her boss, while disconnecting her telephone from the incoming call.

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It would have been obvious to do the same here inasmuch as many situations arise when a person answers a telephone and the call is for another party. To make things simpler, it would be advantageous to simply transfer the call to another endpoint instead of calling for the person to come to the answering telephone.

Moreover, as discussed above with respect to Wahi et al., a first telephone could put the system in public mode and allow a second telephone to enter into the conversation and have the second telephone put the system into private mode, thereby excluding the first telephone. Such would also read on these claimed limitations.

As to claims 19 - 21, such is accomplished merely by answering an incoming call or originating a call. The incoming call and the external line it came in on will be bridged to the answering telephone, and an outgoing call will be bridged to an external line going to a central office, for example.

As to claim 22, see the rejection of claim 11 and the discussion of device 338 of Kung et al. Such is an input/output device reading on the claimed invention.

As to claim 23, Wahi et al. and Kung et al. have been discussed above. Kung et al. also teaches that both the broadband gateway 300 and endpoints have various ports for connecting to each other and for control and interactive purposes. Also, the keypad on a telephone reads on the claimed user interface, besides the user interface displays available to a user on their TV, PC, etc. (Col. 3, lines 34 – 65 and Col. 18, line 49 of Kung et al.)

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As to claims 24 – 31, 35, 36, 38, see the rejection of claims 1 – 9 above.

As to claim 32, see the rejection of claim 10.

As to claim 33, see the rejection of claim 11.

As to claim 34, see the rejection of claim 12.

As to claim 37, see the rejection of claim 20 and note that as already discussed above, Wahi et al. teaches that a user may effect the private or public mode at any time, whether they have received a call or originate a call.

As to claim 39, see the rejection of claim 16,

As to claim 40, see the rejection of claim 17.

As to claim 41, see the rejection of claim 18.

As to claims 42 - 44, see the rejection of claims 13 – 15.

As to claim 45, see the rejection of claim 22.

Response to Arguments

3. Applicant's arguments filed 6/1/04 have been fully considered but they are not persuasive.

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As to applicant's arguments regarding the combination of Wahi et al. and Kung et al., the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves **or in the knowledge generally available to one of ordinary skill in the art.** See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In addition, a suggestion/motivation **need not be expressly stated** in one or all of the references used to show obviousness. *Cable Electric Products, Inc. V. Genmark, Inc.*, 770 F.2d 1015, 1025, 226 USPQ 881, 886 (Fed. Cir. 1985); *In re Sheckler*, 438 F.2d 999, 1001, 168 USPQ 716, 717 (CCPA 1971). It is assumed that every reference relies to some extent on the knowledge of persons skilled in the art to complement that which is disclosed therein. Further, the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In other words, **the person having ordinary skill in the art has a level of knowledge apart from the content of the references.** *In re Bode*, 550 F.2d 656, 660, 193 USPQ 12, 16 (CCPA 1977); *In re Jacoby*, 309 F.2d 513, 516, 135 USPQ 317, 319 (CCPA 1969)

This relates to suggestion/motivation in that "having established that this knowledge was in the art, the Examiner could then properly rely ... on a conclusion of obviousness 'from **common knowledge and common sense** of the person of ordinary skill in the art without any specific hint or suggestion in a

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particular reference'." In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545,549 (CCPA 1969)

Moreover, Wahi et al. teaches a system invented in 1988. At that time, broadband networks and gateways for converting from one format to another simply was not needed. Most if not all communications in 1988 – 1990 were POTS based. As discussed in the previous office action, and as maintained in this present office action, Kung et al. merely teaches an updated, more modern environment upon which the functionality of the system of Wahi et al. can be implemented. As admitted by applicant on page 18 of the response, Kung et al. describes a network that can be integrated with networks such as POTS networks, the very type of network Wahi et al. teaches (see also page 16 of applicant's response).

It is common now for telephony communications to be transmitted and received over the Internet instead of just over the PSTN. Many if not all of the features and characteristics that were available to the standard PSTN/POTS communications are now available in Internet communications. The motivation for this of course is old and well known, i.e., Internet communications is cheaper than POTS communications, and in order to provide telephony service that users recognize, Internet communications is made to emulate POTS communications. This same motivation could be applied to Kung et al. and Wahi et al.

As to applicant's arguments regarding the "selective excluding" aspect of the present invention, see the rejection of claim 18. A first telephone could put the system in public mode and allow a second telephone to enter into the

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conversation and have the second telephone put the system into private mode, thereby excluding the first telephone. This is selectively excluding bridges as claimed.

Moreover, see Col. 11, line 41 – 67 of Kung et al. and note that conferencing is taught, wherein some participants are able to talk and listen while other are only able to listen. Conference systems that allow for whispering/private communications between participants is known as well and because Kung et al. teaches various control over the system elements, such would be inherent or at the least obvious. See Col. 19, lines 38 – 65 of Kung et al. wherein it is taught that the distribution of data to any of the system elements/devices may be configured in any way. Of course, data could be VOIP data that is sent to some IP phones and not to others or in the POTS sense, that data is voice wherein some telephones will get the voice and some will not, again indicating a selective bridging feature as claimed.

Finally, Kung et al. teaches closed user groups wherein calls may be made between members of a closed user group. If for example, there were multiple POTS telephone lines in a residence, wherein 2 lines belong to members of a group, while a third belongs to someone outside the group, the gateway in making a closed user group call would selectively bridge the calls/telephones belonging to the group members while excluding the telephone belonging to the non-member.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

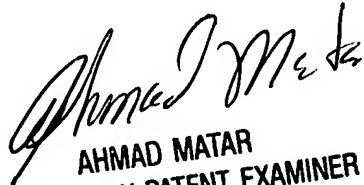
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.A.A.
July 28, 2004


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